

REMARKS

Claims 1-20 were originally filed in the present application.

Claims 1-3, 5-10 and 12-20 were pending in the present application.

Claims 1-3, 5-10 and 12-20 were rejected in the December 19, 2007 Final Office Action.

No claims have been allowed.

Claims 1-3, 5-10, 12-16 and 18-20 remain in the present application.

Reconsideration of the claims is respectfully requested.

Interview Summary

A telephone interview was conducted with Examiner Khai N. Nguyen and N. Elizabeth Pham on April 15, 2008. U.S. Patent No. 6,094,479 to *Lindeberg et al.* was discussed with regard to Claim

1. Applicants would like to thank Examiner Nguyen for his time and consideration during the interview.

35 U.S.C. §103(a) Rejection

In Sections 4 of the December 19, 2007 Final Office Action, the Examiner rejected Claims 1-3, 5-10 and 12-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,094,479 to *Lindeberg et al.* (hereafter, “Lindeberg”) in view of U. S. Patent No. 6,088,749 to *Hebert et al.* (hereafter, “Hebert”).

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicants to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicants are entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success cannot be based on the Applicants' disclosure. (*MPEP* § 2142).

Claim 1 has been amended to recite a switch that includes:

a plurality of call control agent functions, at least three of the call control agent functions associated with different signaling protocols, and
a first call control function operable to control routing of telephone calls through the switch, wherein the first call control function is accessed by the plurality of call control agent functions using the same application programming interface (API).

The Final Office Action asserts that call control functions 243 and 247 of Lindeberg are accessed by a plurality of call control agent functions using the same API. However, as shown in Figure 1 of Lindeberg, call control functions 243 and 247 are only accessed by a single call control agent function. Specifically, call control function 243 is only accessed by call control agent function 244, and call control function 247 is only accessed by call control agent function 248. For the purpose of clarity, Figure 1 of Lindeberg is reproduced below:

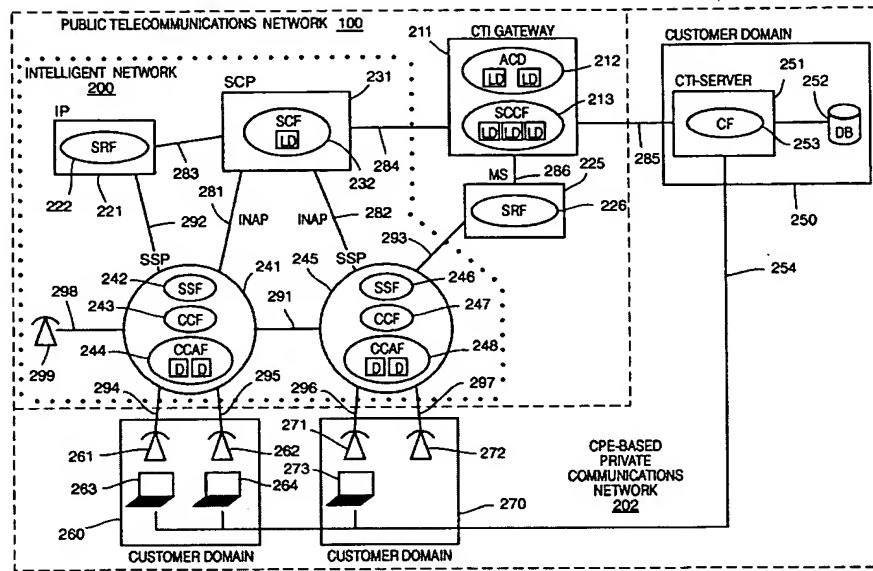


FIG. 1

By contrast, Applicants' disclosure teaches a call control function is accessed by a plurality of call control agent functions associated with different signaling protocols using the same API. This element is shown, for example, in Figure 2 of Applicants' disclosure and is reproduced below for the purpose of clarity:

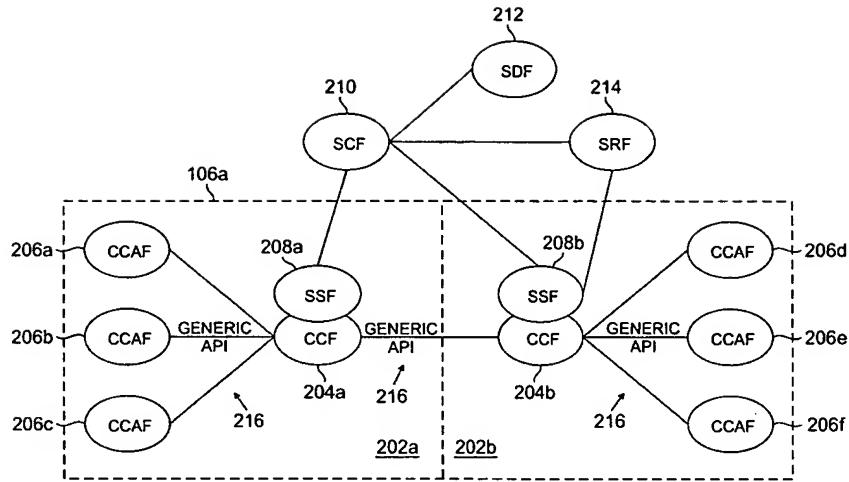


FIG. 2

As shown in Figure 2 and described, for example, in paragraphs [033] and [034] of Applicants' disclosure, the call control functions 204a-204b may be accessed using a generic API 216, as opposed to a custom interface for each protocol. The call control functions 204a-204b may be accessed by the call control agent functions 206a-206f. Call control agent functions 206a-206f may support different signaling protocols. For example, call control agent functions 206a and 206d may support the POTS signaling protocol, call control agent functions 206b and 206e may support the SIP signaling protocol, and call control agent functions 206c and 206f may support the ISUP signaling protocol. Lindeberg does not teach the claimed API.

Therefore, Claim 1 is patentable over the Lindeberg reference, either alone or in combination with the Hebert reference. Independent Claims 8 and 16 have also been amended to recite limitations that are analogous to these limitations in Claim 1 and are therefore also patentable over

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the Lindeberg reference, either alone or in combination with the Hebert reference. Additionally, dependent Claims 2-3 and 5-7, Claim 8-10 and 12-15, and Claims 18-20 depend from Claim 1, 8, or 16, respectively and are therefore patentable due to their dependence from allowable base claims.

SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@munckbutrus.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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